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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,270	12/11/2001	Arturo A. Rodriguez	A-7312	7025

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SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
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LAWRENCEVILLE, GA 30044

EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/03/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/015,270

Applicant(s)

RODRIGUEZ ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/18/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 209-238 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 209-238 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/03 has been entered.

***Remarks***

2. Claims 1-208 were canceled in the amendment after the request for an RCE (paper 8). Pending claims are new claims 209-238.

***Claim Rejections - 35 USC 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

4. Claims 209-238 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. (U.S. Patent No. 5,532,754).

Regarding claim 209, Young discloses a method comprising the steps of: "defining a time period having a start time and an end time; associating a user preference corresponding to at least one viewing parameter with the time period", i.e., Figure 25 shows that a user can define a time period with a start time 3030 and an end time 3040, with at least one viewing parameter associated as in a guide mode or in a

Art Unit: 2611

theme mode for the program guide displaying (Fig. 25 and col. 24/lines 10-38); “receiving a request for purchasing a television service corresponding to the viewing parameter”, i.e., the user can request for purchasing a “pay-per-view” television service in “LIVE” section corresponding to “Themes” parameter (as illustrated in Figs. 16 & 17, and col. 13/line 50 to col. 14/line 9); and “enabling a purchase of the television service responsive to receiving the request during the defined time period; and “preventing the purchase of the television service responsive to the request outside the defined time period”, i.e., based on the system clock time, the schedule of broadcasting programs being automatically advanced accordingly, as a result, live programs or pay per-view programs within a certain time period can only be purchased during that time period (see col. 22/line 50 to col. 23/line 40).

As for claims 210 and 211, these limitations are met as Young discloses that the time period and the user preference is defined responsive to the user input (Fig. 25, and col. 22/lines 32-49).

As for claims 212 and 213, these limitations are met as Young discloses that wherein the at least one viewing parameter corresponding to a television service and to a characteristics of a television service, i.e., selecting “All channel scroll” corresponding to a television service and to a “Theme mode” corresponding to a characteristics of the television service (Fig. 25).

Regarding claim 214, Young discloses a method comprising the steps of: “defining a time period having a start time and an end time; associating a user preference corresponding to at least one viewing parameter with the time period”, i.e., Figure 25 shows that a user can define a time period with a start time 3030 and an end time 3040, with at least one viewing parameter associated as in a guide mode or in a theme mode for the program guide displaying (Fig. 25 and col. 24/lines 10-38); “receiving a request for recording a television service corresponding to the viewing parameter” as well as enabling and preventing the recording if the request is during the defined time period and outside the time period, respectively, i.e., from the guide mode (as shown in Fig. 25), the user can access to the TV program guide and can easily setting up a request for recording a television program service (col. 17/line 45 to col. 18/line 31), and

based on the system clock time, the schedule of broadcasting programs being automatically advanced accordingly, as a result, live programs or pay per-view programs within a certain time period can only be purchased or recording during that time period (see col. 22/line 50 to col. 23/line 40).

As for claims 215 and 216, these limitations are met as Young discloses that the time period and the user preference is defined responsive to the user input (Fig. 25, and col. 22/lines 32-49).

As for claims 217 and 218, these limitations are met as Young discloses that wherein the at least one viewing parameter corresponding to a television service and to a characteristics of a television service, i.e., selecting "All channel scroll" corresponding to a television service and to a "Theme mode" corresponding to a characteristics of the television service (Fig. 25).

As for claims 119-223, these claims with same limitations for providing television service to the user are rejected for the reasons given in the scope claims 209-213 as disclosed above.

Regarding claim 224, Young further discloses a television set top terminal, namely a cable decoder herein, comprising a memory configured to store program instructions and a processor that is programmed by the program instructions (Figs. 23 & 24, for cable decoder memory 2046 and a processor CPU 2036 for processing program instructions and storing program instructions in the memory, see col. 20/lines 7-34). The same purchasing method is already discussed in claim 209 above.

As for claims 225 and 226, these limitations are met as Young discloses that the time period and the user preference is defined responsive to the user input (Fig. 25, and col. 22/lines 32-49).

As for claims 227 and 228, these limitations are met as Young discloses that wherein the at least one viewing parameter corresponding to a television service and to a characteristics of a television service, i.e., selecting "All channel scroll" corresponding to a television service and to a "Theme mode" corresponding to a characteristics of the television service (Fig. 25).

Regarding claim 229, Young further discloses a television set top terminal, namely a cable decoder herein, comprising a memory configured to store program instructions and a processor that is programmed by the program instructions (Figs. 23 & 24, for cable decoder memory 2046 and a processor CPU 2036 for processing program instructions and storing program instructions in the memory, see col. 20/lines 7-34). The same recording method is already discussed in claim 214 above.

As for claims 230 and 231, these limitations are met as Young discloses that the time period and the user preference is defined responsive to the user input (Fig. 25, and col. 22/lines 32-49).

As for claims 232 and 233, these limitations are met as Young discloses that wherein the at least one viewing parameter corresponding to a television service and to a characteristics of a television service, i.e., selecting "All channel scroll" corresponding to a television service and to a "Theme mode" corresponding to a characteristics of the television service (Fig. 25).

As for claims 234-238, these claims are rejected for the reasons given in the scope of claims 209 and 229-233 for a set top box utilizing the method for providing television service to the user as already discussed in claim 209 above.

### ***Conclusion***

**5. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

Art Unit: 2611

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



HAITRAN  
PATENT EXAMINER

Krista Bui  
Art Unit 2611  
January 13, 2004